

Message Text

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ORIGIN L-03

INFO OCT-01 EA-10 ISO-00 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15
STR-05 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 SOE-02
OMB-01 DOE-11 EUR-12 /110 R

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STR:SLANDE
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EA/TIMBS:LROCKE
EB/OCP:JSLATTERY

-----076878 051942Z /53

R 051747Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY BANGKOK

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E.O. 11652: N/A

TAGS: ASEAN, FCN

SUBJECT: ASEAN PREFERENTIAL TRADING AGREEMENT AND THE
US-THAI FCN

REF: BANGKOK 31972

1. DEPARTMENT CANNOT AGREE TO EXCHANGE OF NOTES WAIVING
MFN PROVISIONS OF 1966 US-THAI TREATY OF AMITY AND
ECONOMIC RELATIONS (FCN). EMBASSY MAY, HOWEVER,
INFORMALLY COMMUNICATE FOLLOWING POINTS TO RTG:
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A. ARTICLE VIII PARA. 6 AND ARTICLE XIII PARA. 4B OF
FCN PROVIDE NUMEROUS EXCEPTIONS TO ARTICLE VIII PARA. 1
OBLIGATIONS TO PROVIDE MFN TREATMENT. NONE OF THESE,
HOWEVER, APPEARS RELEVANT IN THIS CASE.

B. AS FCN IS TREATY RATHER THAN EXECUTIVE AGREEMENT,

USG CANNOT PARTIALLY WAIVE ITS TERMS BY ANY METHOD SHORT
OF A TREATY ACTION REQUIRING SENATE ADVICE AND CONSENT.

C. HOWEVER, USG DOES NOT FORESEE AT THIS TIME ANY
SITUATION IN WHICH IT WOULD INVOKE MFN PROVISIONS OF
FCN TO CHALLENGE THAI PARTICIPATION IN ASEAN AGREEMENT.
THIS WOULD BE ESPECIALLY TRUE IF GATT WAIVER IS OBTAINED

FOR ASEAN AGREEMENT, AS US WOULD NOT TAKE ACTIONS
INCONSISTENT WITH SUCH WAIVER.

2. FYI: USG IS NOT OBLIGATED TO ENFORCE ALL
PROVISIONS OF TREATY WHICH MIGHT THEORETICALLY BE
INFRINGED BY ASEAN OR OTHER AGREEMENTS. END FYI.

CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE, AMITY, ECONOMIC CONDITIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780195/aaaadcmv.tel
Line Count: 78
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ebc98be6-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Handling Restrictions: n/a
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Review Content Flags:
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Review Event:
Review Exemptions: n/a
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Review Release Event: n/a
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